REMARKS

The Office Action Summary does not indicate any claims are withdrawn from consideration. However, it is obvious from the text of the office action that claims 1-12, 19-25 and 33 -39 have been withdrawn from consideration. The claim identifiers have been so marked.

The withdrawal from consideration of claims 1-12 is incorrect. The scope of claim 1, upon which claims 2-12 depend, is consistent with the coverage provided by claim 13. Claim 13 indicates an image capture device is inhibited from processing a portion of an image corresponding to the user of an inhibitor device. Claim 1 includes a similar limitation by requiring an image to be modified to render an object unidentifiable from a modified image, wherein an inhibit signal emanates from an inhibitor device carried by an object within an image. Thus, both claims cover the novel feature of inhibiting an image capture device corresponding to a user of a user for and the device. In claim 1, a user of claim 13 is broadly defined as an object.

Some of the claims have been amended for clarity, particularly to correct antecedent problems.

Item 4, page 3 of the office action states claims 13-15 and 18 are rejected under 35 USC 103(a) as being unpatentable over Gorday et al., US Patent 6,801,642. However, it is evident from the text of the office action that the examiner considers claims 13-15, 18 and 26-32 to be rejected on this ground. Applicant will proceed on this basis.

Claim 13 distinguishes over Gorday et al. by requiring a transmitter of an inhibitor message for inhibiting an image capture device from processing a portion of an image corresponding to a user of a user portable inhibitor device. The office action relies on the abstract and column 2, line 66-column 3, line 21 of Gorday et al. for this feature. However, the relied upon portions of Gorday et al. merely indicate a portion of a scene is obscured. There is nothing indicating that a user of a user portable inhibitor device is obscured. In fact, column 4, lines 25-28 and lines 46-50, indicates the image of the face of a person is coded with higher resolution than background information.

Claims 14, 15 and 18, which depend on claim 13, are allowable with claim 13. In

addition, the allegation that Gorday et al. teaches an inhibitor device arranged to transmit an inhibitor message directionally, as required by claim 14, is incorrect. While the Gorday et al. transmitter could possibly be designed to send a message directionally, there is no teaching of such a relationship in Gorday et al.. The test for patentability is not what can be done, but what is obvious to one of ordinary skill in the art. The examiner has advanced no reason as to why the omnidirectional transmissions of Gorday et al. would be modified by one of ordinary skill in the art to be directional.

Claim 26 distinguishes over Gorday et al. by requiring, inter alia, an inhibitor device arranged to be carried by an object for inhibiting processing of an image of said object. Gorday et al. indicates transmitters 204, 206, 208 and 210 are in a secure facility 200 and establish a wireless connection to cellular telephone 216 to control the image coding of the cellular telephone so that specific regions of an image or the entire image are encoded with reduced quality, or omitted, or are substituted with alternate information. However, there is nothing indicating that these transmitters are carried by an object for inhibiting processing of an image of the object. In the example associated with Figure 1, it is desired to eliminate background 120. There is no indication that background 120 carries an inhibitor device.

Claims 27 and 28 depend on claim 26 and are allowable therewith.

Claims 29 and 30 distinguish over Gorday et al. by requiring an inhibitor device adapted to be mounted on a host wearer and to inhibit the processing of image data corresponding to the host wearer. Gorday et al. has no disclosure of such an inhibitor device being on a host wearer.

Claim 31 distinguishes over Gorday et al. requiring an image inhibitor operable for receiving from a source external of said image capture device, an inhibit signal for inhibiting a portion of said captured image. There is no indication in Gorday et al. that transmitters 204, 206, 208 and/or 210 receive a signal from a source external to cellular telephone 216.

Claim 32 is allowable with claim 31, upon which claim 32 depends. In addition, claim 32 requires a portable inhibitor device arranged for sending an inhibit message for inhibiting viewing of a portion of said captured image relating to a host wearer of said

image capture device. There is nothing in Gorday et al. indicating a portion of a captured image relating to a host wearer of an image capture device is inhibited.

Claims 16 and 17 are allowable with claim 13, on which claims 16 and 17 depend. Nashizaka, JP 20011313006, relied on as a secondary reference in the rejection of claims 16 and 17, does not cure the foregoing problems of the rejection of claim 13.

Allowance is in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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